

UNITED STATES DISTRICT COURT

DISTRICT OF SOUTH CAROLINA

CHARLESTON DIVISION

FILED

JUL 12 2004

LARRY W. PROPPS, CLERK
CHARLESTON, SC

JOSE PADILLA)	C/A No. 2:04-2221-26AJ
)	
Petitioner,)	Affidavit of JOSE PADILLA in support
vs.)	of Motion for Continuation and
)	Appointment of Counsel
COMMANDER C.T. HANFT, USN)	
Commander, Consolidated Naval Brig)	
)	
Respondent,)	
)	
STATE OF SOUTH CAROLINA)	
DISTRICT OF SOUTH CAROLINA) ss.:	

JOSE PADILLA being duly sworn depose and say:

1. I am the Petitioner in the above-captioned matter, and I respectfully submit this affidavit in support of my motion for the continuation and appointment of counsel.
2. Since early June 2002, I have been detained in the Consolidated Naval Brig, Charleston, South Carolina.
3. I am indigent and do not have funds to retain counsel.
4. After I was taken into custody on a material witness warrant, I appeared before the Honorable Michael B. Mukasey, Chief Judge of the United States District Court for the Southern District of New York. Judge Mukasey assigned Donna R. Newman, Esq., to represent me on the material witness warrant.
5. I have been informed that on or about June 11, 2002, after I was transferred to military custody, Judge Mukasey assigned Ms. Newman and Andrew G. Patel, Esq., to represent me on the Writ of Habeas Corpus that had been filed in the Southern District of New York.
6. I have reviewed numerous briefs that Ms. Newman and Mr. Patel filed on my behalf while

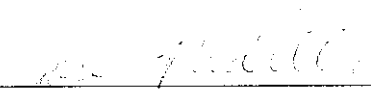
this matter was pending before Judge Mukasey. I have also reviewed copies of briefs that they filed on my behalf in the Second Circuit Court of Appeals and the United States Supreme Court. The legal issues discussed in these briefs are complex.

7. Since March of this year I have been able to meet with Ms. Newman and Mr. Patel on a number of occasions and I trust them to represent me in this matter.
8. I have been advised that I have the right to represent myself in this matter. I have had no formal legal training and I know that I require the assistance of counsel to help me to win my liberty.

WHEREFORE, as Ms. Newman and Mr. Patel have represented me for over two (2) years and are familiar with the issues involved in this matter, I have developed an attorney-client relationship with them. As I have no means to retain counsel, it is respectfully submitted that this Court should enter an Order permitting Ms. Newman and Mr. Patel to continue to represent me and appointing them to represent me pursuant to the Criminal Justice Act.

Dated: Charleston, South Carolina
July 10, 2004

Respectfully submitted.



Jose Padilla

Sworn to before me this
10th day of July, 2004



NOTARY PUBLIC

ANDREW PATEL
Notary Public, State of New York
No. 4829468
Qualified in Westchester County
Commission Expires August 31, 12/2005